

07/29/1996



U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED

JUL 29 1996

THOMAS H. SHERWELL, CLERK
BY *dy*

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CRYSTAL OIL COMPANY AND
CRYSTAL OIL EXPLORATION AND
PRODUCTION COMPANY,

Plaintiffs,

vs.

ATLANTIC RICHFIELD COMPANY,
Defendant

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Civil Action No. CV 95-2115S

JUDGE TOM STAGG

MAGISTRATE JUDGE PAYNE

STATEMENT OF APPEAL

Atlantic Richfield Company ("ARCO") does hereby appeal from the entirety of that certain Order of Severance and Referral to Bankruptcy Court, dated July 19, 1996, of Magistrate Judge Roy S. Payne (the "Order"). ARCO objects to the Order on the grounds that the Order and the Memorandum Ruling of the Magistrate Judge accompanying the Order are in error because the bankruptcy discharge claim of plaintiff Crystal Oil Company requires the substantial and material consideration of the environmental laws of the United States and federal bankruptcy laws and, accordingly, the withdrawal of reference of this action from the Bankruptcy Court is mandated under 28 U.S.C. §157(d). Furthermore, in contravention of 28 U.S.C. §157(a), the Order improperly bifurcates a proceeding and refers to the bankruptcy judge a single issue therein. Finally, ARCO objects to the Order on the basis that it fails to transfer

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the bankruptcy discharge issue with the remainder of this action to
the United States District Court for the District of Colorado.

July 29, 1996

BLANCHARD, WALKER, O'QUIN & ROBERTS

By: 

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ATTORNEYS FOR DEFENDANT
ATLANTIC RICHFIELD COMPANY

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing STATEMENT OF APPEAL been served upon Plaintiffs' counsel of record, Osborne J. Dykes, III, Fulbright & Jaworski, 1301 McKinney, Suite 5100, Houston, Texas 77010-3095, and Albert M. Hand, Jr. Cook, Yancey, King & Galloway, P. O. Box 22260, Shreveport, Louisiana 71120-2260, by depositing a copy of same in the U. S. Mail, properly addressed, with adequate postage affixed hereto.

Dated this 29 day of July, 1996.





UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CASE NO: 5:95CV2115

JUDGE STAGG
MAGISTRATE JUDGE PAYNE

CASE TITLE: CRYSTAL OIL CO ET AL VS ATLANTIC RICHFIELD CO

NOTICE OF SETTING OF MOTION

I. SETTING

Please take notice that the **statement of appeal from order of severance and referral to Bankruptcy Court, dated July 19, 1996, filed by Atlantic Richfield Co on July 29, 1996** will be considered on the Honorable Tom Stagg's next regular motion date which is **September 20, 1996**.

II. Please be advised that the court's regular practice is to rule on the motion on the basis of the written briefs only. Unless additional time is granted, the court will issue a written ruling after time delays have run. An effort will be made to rule by the end of the month in which the motion is set.

III. BRIEFS IN OPPOSITION


If the respondent opposes a motion, the response must be filed within fifteen (15) days after service of the motion. The movant will have 5 days after service of the response within which to file a rebuttal brief that is limited SOLELY to matters raised by the opposition. ADDITIONAL BRIEFS SHALL NOT BE FILED unless leave of court, upon good cause shown, is first obtained. Computation of the time limits set forth above is governed by Fed. R. Civ. P. 6(a) and (e).

IV. FILING, COURTESY COPY

The original responses and briefs should be mailed to Clerk of Court, 300 Fannin Street, Suite 1167, Shreveport, LA 71101-3083, for filing AND A COPY OF ALL RESPONSES AND BRIEFS SHOULD BE MAILED TO Judge Tom Stagg, U. S. District Judge, 300 Fannin Street, Suite 4100, Shreveport, LA 71101-3091.

DATED AND SIGNED at Shreveport, Louisiana, on July 30, 1996.

ROBERT H. SHEMWELL, Clerk of Court

By: 
Deputy Clerk

COPY SENT:

DATE: July 30, 1996
BY: om
TO: Stagg, Terry and
Dykes, Hand, Adams, Freeman, Milner